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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,348	10/14/2003	Dale W. Malik	190250-1330	7196
38823 7590 01/11/2007 THOMAS, KAYDEN, HORSTEMEYER & RISLEY; LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT	PAPER NUMBER
			2152	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/686,348

Applicant(s)

MALIK, DALE W.

Examiner

Tauqir Hussain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/14/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are pending in this application.

Claim Objections

2. Claims 8 and 17 are objected to because of the following informalities:
3. Claim 8 and 17, has ended with two periods at the end of claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 10-12 are rejected under 35 U.S.C 103(a) as being unpatentable over Gudjonsson et al. (Patent No.: US 6564261 B1), hereinafter "Gud" in view of Lee et al. (Pub. No.: US 2003/0233265 A1), hereinafter "Lee".
6. As to claim 1, Gud discloses, a communication method comprising the steps of:

receiving an instant messaging (IM) message from a sender to a recipient
(Col.32, lines 65-66);

automatically replying to the IM message in the absence of an input from the
recipient during the predefined time interval (Col.33, lines 1-4).

Gud does not disclose, waiting a predefined time interval for an input from the
recipient, the input being responsive to the IM message. However, Lee teaches, waiting
a predefined time interval for an input from the recipient, the input being responsive to
the IM message ([0060, lines 3-5]).

Therefore, it would have been obvious to one ordinary skilled in the art at the
time the invention was made to modify the teachings of Gud with the teachings of Lee in
order to resolve the availability according the meeting criteria.

7. As to claim 10, Gud discloses, a computer-readable medium comprising:
computer-readable code adapted to instruct a programmable device to receive an
instant messaging (IM) message from a sender to a recipient (Col.32, lines 65-66);

computer-readable code adapted to instruct a programmable device to reply to
the IM message in the absence of an input from the recipient during the predefined time
interval (Col.33, lines 1-4).

Gud does not disclose, computer-readable code adapted to instruct a
programmable device to wait a predefined time interval for an input from the recipient,

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the input being responsive to the IM message. However, Lee teaches, computer-readable code adapted to instruct a programmable device to wait a predefined time interval for an input from the recipient, the input being responsive to the IM message ([0060, lines 3-5]).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud with the teachings of Lee in order to resolve the availability time according the meeting criteria.

8. As to claims 2 and 11, Gud discloses, the method of claim 1, wherein the step of replying to the IM message comprises the step of:

providing a message indicating the recipient's unavailability to engage in an IM chat session (Col.11, lines 55-57).

9. As to claims 3 and 12, Gud discloses, the method of claim 1, wherein the step of replying to the IM message comprises the step of:

providing a message requesting the sender to wait for a predetermined time period (Col.11, lines 55-57, where users have a choice to customize their status which will provide users to wait or comeback online later for chat).

10. Claims 4 and 13 are rejected under 35 U.S.C 103 as being unpatentable over Gud in view of Lee and further in view of Glasser et al. (Pub. No.: US 2005/0108392 A1), hereinafter "Glasser".

11. As to claims 4 and 13, Gud discloses, each message indicating the recipient's unavailability to engage in an IM chat session (Col.33, lines 1-4).

Neither Gud or Lee discloses, wherein the step of replying to the IM message comprises the step of: periodically providing messages, the messages being periodically provided at predefined time intervals. However Glasser teaches, wherein the step of replying to the IM message comprises the step of: periodically providing messages ([0028, lines 8-10]), the messages being periodically provided at predefined time intervals (Abstract, lines 5-7).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud and Lee with the teachings of Glasser in order to remind the recipient of upcoming meeting and ask for his confirmation.

12. Claims 5,7,9 and 14,16,18 are rejected under 35 U.S.C 103(a) as being unpatentable over Gud in view of Coutts et al. (Pub. No.: US 2003/0120805 A1), hereinafter "Coutts".

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13. As to claim 5, Gud does not disclose, a communication method comprising the steps of: receiving an instant messaging (IM) message from a first sender to a recipient or determining whether the recipient is engaged in an IM chat session with second sender or automatically replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender. However, Coutts teaches, receiving an instant messaging (IM) message from a first sender to a recipient ([0042, line 1]). Coutts further teaches, determining whether the recipient is engaged in an IM chat session with second sender ([0044, lines 1-2], where user B and user D are engage in chat or messaging service); and automatically replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender ([0044, lines 1-2], where message is generated on behalf of user D also [0043, line 2], where proxy determines that user D is not available).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud with the teachings of Coutts in order to have the response in real time regardless user is online or not by way of forwarding the message on to his pager or mobile phone as per users preference.

14. As to claim 14, Gud does not disclose, a computer-readable medium comprising: computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message from a first sender to a recipient or computer-readable code adapted to instruct a programmable device to determine whether the recipient is

engaged in an IM chat session with second sender or computer-readable code adapted to instruct a programmable device to reply to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender. However, Coutts teaches, receiving an instant messaging (IM) message from a first sender to a recipient ([0042, line 1]). Coutts further teaches, determining whether the recipient is engaged in an IM chat session with second sender ([0044, lines 1-2], where user B and user D are engaged in chat or messaging service); and automatically replying to the IM message in response to determining that the recipient is engaged in the IM chat session with the second sender ([0044, lines 1-2], where message is generated on behalf of user D also [0043, line 2], where proxy determines that user D is not available).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud with the teachings of Coutts in order to have the response in real time regardless user is online or not by way of forwarding the message on to his pager or mobile phone as per users preference.

15. As to claims 7 and 16, Gud does not disclose, the method, further comprising the step of: indicating to the first sender that the recipient is engaged in an IM chat session with the second sender. However, Coutts teaches, indicating to the first sender that the recipient is engaged in an IM chat session with the second sender ([0043, lines 1-5] and [0047, lines 1-7], where all messages between all users are going through

central hub which is server 112 or proxy 120, which means all users know the status of there messages and replies in real time).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud with the teachings of Coutts in order to have the response in real time regardless user is online or not by way of forwarding the message on to his pager or mobile phone as per users preference.

16. As to claims 9 and 18, Gud does not discloses, the method of claim 5, further comprising the step of: indicating to the first sender that the recipient is unavailable to engage in an IM chat session with the first sender. However, Coutts discloses, indicating to the first sender that the recipient is unavailable to engage in an IM chat session with the first sender ([0043, lines 1-1-2] and [0047, lines 1-7], where each message goes through central hub e.g. server-112 or proxy-120 and all users are gets the appear to know the status of each other through proxy) .

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud with the teachings of Coutts in order to know the status of the IM user before starting sensitive conversation over the internet. In addition to this it will also save valuable time of the sender before start looking for an alternative to communicate with the unavailable user by other means e.g. mobile phone or pager.

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17. Claims 6 and 15 are rejected under 35 U.S.C 103 as being unpatentable over Gud in view of Coutts and further in view of Lee.

18. As to claims 6 and 15, Gud and Coutts do not disclose, the method, further comprising the step of: waiting a predefined time interval prior to replying to the IM message. However Lee teaches, waiting a predefined time interval prior to replying to the IM message ([0060, lines 3-5]).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud and Coutts with the teachings of Lee in order to have the response in real time regardless user is online or not by way of forwarding the message on to his pager or mobile phone as per users preferences.

19. Claims 8 and 17 are rejected under 35 U.S.C 103(a) as being unpatentable over Gud in view of Coutts and further in view of Glasser.

20. As to claims 8 and 17, Gud discloses, the method of claim 5, further comprising the step of:

each message indicating the recipient's unavailability to engage in an IM chat session (Col.33, lines 1-4).

Neither Gud nor Coutts discloses, periodically providing messages to the first sender, the messages being periodically provided at predefined time intervals. However, Glasser teaches, periodically providing messages to the first sender ([0028, lines 8-9]), the messages being periodically provided at predefined time intervals (Abstract, lines 5-7).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Gud and Coutts with the teachings of Glasser in order to remind the recipient of upcoming meeting and ask for his confirmation.

21. Claims 19-22 are, rejected under 35 U.S.C 103(a) as being unpatentable over Gud in view of Glasser.

22. As to claim 19, Gud discloses, a communication system comprising:

means for receiving an instant messaging (IM) message from a sender to a recipient (Col.32, lines 65-66);

means for receiving an input from the recipient in response to the IM message Col.22, lines 31-34);

Gud does not disclose, means for determining whether the recipient has provided an input during a predefined time interval or means for replying to the IM message in response to determining that the recipient has not provided an input during the predefined time interval. However, Glasser teaches, means for determining whether the recipient has provided an input during a predefined time interval ([0026, lines 3-6]). Glasser further discloses, means for replying to the IM message in response to determining that the recipient has not provided an input during the predefined time interval ([0028, lines 4-6], where it is determining the predefined time of response and generates a message for timely response; [0027, lines 1-3], where instructions can be setup to reply if message comes after predefined time interval).

Therefore, it would have been obvious to modify the teachings of Gud with the teachings of Glasser in order to let session invitees the status of activity among them so they can wait for the relative responses before sending the messages among themselves.

23. As to claim 20, a communication system comprising:

instant-messaging (IM) receive logic configured to receive an IM message from a sender to a recipient (Col.32, lines 65-66);

input-receive logic configured to receive an input from the recipient in response to the IM message Col.22, lines 31-34);

Gud does not disclose, determining logic configured to determine whether the recipient has provided an input during a predefined time interval; or reply logic configured to reply to the IM message in response to determining that the recipient has not provided an input during the predefined time interval. However, Glasser teaches, means for determining whether the recipient has provided an input during a predefined time interval ([0026, lines 3-6]). Glasser further discloses, means for replying to the IM message in response to determining that the recipient has not provided an input during the predefined time interval ([0028, lines 4-6], where it is determining the predefined time of response and generates a message for timely response; [0027, lines 1-3], where instructions can be setup to reply if message comes after predefined time interval).

Therefore, it would have been obvious to modify the teachings of Gud with the teachings of Glasser in order to let session invitees the status of activity among them so they can wait for the relative responses before sending the messages among themselves.

24. As to claim 21, Gud does not disclose, the system, wherein the determining logic comprises: a timer configured to track elapsed time from a receiving of an IM message. However, Glasser teaches, a timer configured to track elapsed time from a receiving of an IM message ([0026, lines 3-6]).

Therefore, it would have been obvious to modify the teachings of Gud with the teachings of Glasser in order to let session invitees the status of activity among them so

they can wait for the relative responses before sending the messages among themselves.

25. As to claim 22, Gud discloses, the system, wherein the reply logic comprises: message-generation logic configured to generate a message, the message being indicative of the recipient's unavailability to engage in an IM chat session (Col.11, lines 55-57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-272-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El Hady can be reached on 571 272 3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

A handwritten signature in black ink, appearing to be 'TH' followed by a stylized flourish.A handwritten signature in black ink, appearing to be 'A. Y. Koenig' with a large, sweeping flourish.

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER